

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|-----------------------------------|---|----------------------------------|
| LOUIS NAES, |) | |
| |) | |
| Plaintiff, |) | Case No. 4:19-CV-2132 SEP |
| |) | |
| v. |) | |
| |) | |
| |) | JURY TRIAL DEMANDED |
| CITY OF ST. LOUIS, et al., |) | |
| Defendants. |) | |

**CITY OF ST. LOUIS’S MOTION TO DISMISS COUNT V OF
PLAINTIFF’S THIRD AMENDED COMPLAINT**

Defendant City of St. Louis (“City”), moves the Court to dismiss Count V of Plaintiff’s Third Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). In support, Defendant states as follows:

1. In his Third Amended Complaint (“Complaint”), Plaintiff Louis Naes (“Plaintiff”) alleges that, on April 27, 2018, he was removed from his position as a detective in the problem properties unit of the St. Louis Metropolitan Police Department (“SLMPD”). (Doc. 59 Third Amended Complaint ¶ 24). Plaintiff further alleges that when that same position was posted as open for transfer applications on April 24, 2019, he applied but a female officer with less experience was selected for the position over him. (Doc. 59 Third Amended Complaint ¶¶ 29-31).
5. Plaintiff asserts constitutional rights violations under 42 U.S.C. §1983 against City in Count V.
6. Count V must fail in that Plaintiff fails to plead facts sufficient to state a claim for municipal liability. *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978).
8. A memorandum of law in support of this motion is filed herewith and incorporated herein by reference.

WHEREFORE, for all of the reasons set forth above, Defendant respectfully requests that this honorable Court grant Defendant's Motion to Dismiss and enter an order dismissing Plaintiff's Count V against Defendant City.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2020, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system.

/s/ Amy M. Raimondo